

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LANCE BISHOP,

Plaintiff,

-against-

NOTICE OF REMOVAL

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION, NEW YORK STATE
OFFICE OF MENTAL HEALTH, ANTHONY J.
ANNUCCI, ACTING COMMISSIONER, ANN MARIE T.
SULLIVAN, CLINTON CORRECTIONAL FACILITY,
SUPERINTENDENT MCINTOSH, CORRECTION OFFICER
TONY E. ROCK, CORRECTION OFFICER CHAD D.
LABOMBARD, DEPUTY SUPERINTENDENT DENNIS W.
BRADFORD, CORRECTION OFFICER WILLIAM F. NELSON,
CORRECTION OFFICER MICHAEL J. CORYER, CORRECTION
OFFICER EVAN J. HOLLAND, NURSE CATHLEEN A.
REUSSER, NURSE PAT MANOR, CORRECTION OFFICER
ZACHARY R. BABBIE, SERGEANT ERIC M. FESSETTE, DR.
RICHARD J. DAMICO and CORRECTION OFFICERS JANE/
JOHN DOES 1-5 (the names “Jane/John Doe” being fictitious as
the true names are Presently unknown),

NDNY Civ. No.

9:24-cv-1314 (FJS/TWD)

Defendants.

PLEASE TAKE NOTICE that the New York State Department of Corrections and Community Supervision (“DOCCS”); the New York State Office of Mental Health (“OMH”); Anthony J. Annucci, Acting Commissioner of DOCCS; Anne Marie Sullivan, Commissioner of OMH; Donita McIntosh; Tony E. Rock; Chad D. Labombard; Dennis W. Bradford; William F. Nelson; Evan J. Holland; Cathleen A. Reusser; Pat Manor; Zachary R. Babbie and Eric M. Fessette; (collectively, “Defendants”), by their attorney, Letitia James, Attorney General of the State of New York, hereby remove the New York State Supreme Court action currently pending in Clinton County designated as *Bishop v. New York State Department of Corrections and*

Community Supervision, et al., Index No. 2024-00023196 (Sup. Ct. Clinton Cty.), (the “State Court Action”), pursuant to 28 U.S.C. §§ 1441, 1446 and Rule 81 of the Federal Rules of Civil Procedure.

1. On July 9, 2024, Plaintiff filed a copy of the “Summons and Complaint” in the Clinton County Clerk’s Office, via the New York State Courts Electronic Filing system (“NYSCEF”).

2. Plaintiff subsequently made various efforts to effectuate service of process on the Defendants. Defendants do not waive and expressly reserve the right to raise any defenses – jurisdictional or otherwise – including for improper service.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is attached as **Exhibit 1**.

4. In the Complaint, Plaintiff alleges that the Defendants’ acts and/or omissions violated, *inter alia*, his rights under the First, Fourth, Eighth and Fourteenth Amendments of the United States Constitution, with such actions being brought against Defendants pursuant to 42 U.S.C. § 1983, 1985, 1986, and 1988. *See* Ex. 1, ¶¶ 1, 83-91, 102-103, 125, 143, 144, 149-152.

5. **Exhibit 1** represents the entirety of filings in State Supreme Court at this juncture.

6. Because the Plaintiffs’ earliest attempts to effectuate service of the complaint on any of the Defendants occurred on October 8, 2024, the Notice of Removal is timely and proper under 28 U.S.C. § 1446(b)(1).

7. Because the Complaint alleges violations of the United States Constitution, removal of the State Court Action is proper under 28 U.S.C. §§ 1331, 1441 and 1446.

8. The State Court Action is pending in a state court geographically located within the Northern District of New York. Therefore, venue and removal to this Court is proper under

28 U.S.C. § 1446(a).

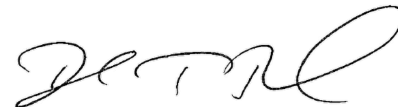
9. Defendants shall give written notice of the removal of the State Court Action to Plaintiff promptly and shall file such notice with the Clerk of the Supreme Court of the State of New York, County of Clinton, as required by 28 U.S.C. § 1446(d).

10. This office currently represents the New York State Department of Corrections and Community Supervision (“DOCCS”); the New York State Office of Mental Health (“OMH”); Anthony J. Annucci, Acting Commissioner of DOCCS; Anne Marie Sullivan, Commissioner of OMH; Donita McIntosh; Tony E. Rock; Chad D. Labombard; Dennis W. Bradford; William F. Nelson; Evan J. Holland; Cathleen A. Reusser; Pat Manor; Zachary R. Babbie and Eric M. Fessette in the State Court Action who consent to the removal of this action.

11. Defendants expressly reserve their right to answer or move to dismiss the Complaint, reserve all available defenses, to include improper service of process, and deny any liability.

12. Based on the above, the Defendants hereby remove the State Court Action to the Northern District of New York.

DATED: Plattsburgh, New York
 October 28, 2024



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LANCE BISHOP,

Plaintiff,

v.

NOTICE OF REMOVAL

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION; et al,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, I electronically filed the foregoing Notice of Removal and accompanying documents/exhibits with the Clerk of the District Court using its CM/ECF system, and mailed a copy of the Notice of Removal by U.S. Mail, first-class, postage prepaid to Plaintiff at the following address:

ELLIE SILVERMAN LAW P.C.
Ellie A. Silverman, Esq.
Attorneys for Plaintiff
745 5th Avenue, Suite 500
New York, NY 10151
(215) 620-6616

DATED: October 28, 2024
Plattsburgh, New York

LETITIA JAMES
Attorney General of the State of New York
Attorney for Defendants

By:



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